



## Department of Energy

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

June 13, 2001

Mr. Joseph Garrison  
Tennessee Historical Commission  
Department of Environment and Conservation  
2941 Lebanon Road  
Nashville, Tennessee 37243-0442

Dear Mr. Garrison:

### **NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 COMPLIANCE, MEMORANDUM OF AGREEMENT - LEASE OF PARCEL ED-3 OF THE OAK RIDGE RESERVATION**

Enclosed is a resubmittal of a Memorandum of Agreement (MOA) for the Department of Energy Oak Ridge Operations (DOE-ORO) proposed lease of parcel ED-3 of the Oak Ridge Reservation. The original scope of the proposal has been modified and this MOA reflects the modifications that resulted from the public scoping process. The proposed ED-3 lease property is located in Roane County, Tennessee, within an area shown on Map S-16A, Oak Ridge Area, Oak Ridge, Tennessee. For this proposed undertaking the Area of Potential Effect (APE) is an area within the Oak Ridge Reservation (ORR), adjacent to the East Tennessee Technology Park (ETTP). Properties located in the proposed lease area include a portion of the Wheat Historic District (40RE224), an unmarked Slave Cemetery recently designated as the Wheat Community African Burial Ground (40RE219), and the old construction camp areas associated with the construction of the K-25 Plant (ETTP). Also in the APE (but outside the ED-3 parcel) are the George Jones Church and Cemetery (a National Historic Register Property), Ellis Cemetery (40RE221), Shelton Cemetery (40RE220) and archeological sites 40RE135, 40RE136 and 40RE138 (an eligible site). The APE is totally within the ORR and no other consulting parties were identified for this proposed project.

The DOE-ORO Cultural Resource Coordinator met on June 23, 1999, August 19, 1999, and January 24, 2001, with representatives of the Wheat Community Alumni Association to discuss the proposed lease and potential effects to the Wheat Historic District. Suggestions and requests provided by the Wheat Alumni representatives were used in determining the proposed boundaries of the ED-3 lease parcel. The originally proposed boundaries were modified to exclude from the proposed lease area those sites that were considered by the Wheat representatives to be the most significant community properties. Also, as requested, two millstones from one of the mills serving the Wheat community were relocated to the George Jones Church to be available for permanent display. Stipulations in the MOA require that prior to development of any area in the Historic District that is designated a contributing property,

Mr. Joseph Garrison

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archeological surveys will be completed and provided to the State Historic Preservation Officer (SHPO). These surveys would also be available to the Wheat Alumni Association. The MOA also contains stipulations that address potential effects to the Slave Cemetery and the K-25 Plant (ETTP) construction camp area, which are located in the proposed lease area.

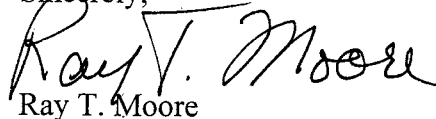
DOE-ORO held a public meeting on September 29, 1999, to discuss the proposed lease and receive input from interested stakeholders. Approximately 80 people attended the meeting and discussed various aspects of the proposed lease with DOE representatives. No new or additional requests or concerns related to cultural resources was discussed. In February 2000, DOE issued a draft Environmental Assessment (EA) to assess potential impacts of the proposed lease. Comments on the EA were received from the public and various agencies and organizations during a two month period. Based on comments received on the first draft, DOE revised the EA and reissued it for public comment and review. The EA and all of the information related to cultural resources from this proposed project (Project Summary and Archeological Historic Review (AHR), and MOA) are available for public review at the DOE-ORO Public Reading Room, located at 300 Warehouse Road, Suite 300, Oak Ridge, Tennessee. Copies may also be obtained by contacting DOE-ORO's Public Affairs Office at 865-576-0855.

DOE-ORO has determined that with the stipulations contained in the enclosed MOA, the potential effects associated with the proposed undertaking on historical, archeological, or cultural resources included or eligible for inclusion in the National Register of Historic Places would be minimized. The Advisory Council on Historic Preservation has been provided notification of this proposed project. A copy of this Project Summary, AHR, and MOA is being provided for their information.

The enclosed MOA for the subject project was signed by Mr. Robert Brown, Assistant Manager for Assets Utilization, DOE-ORO. The MOA and associated information are provided for your review and concurrence as part of DOE-ORO's compliance with Section 106 of the National Historic Preservation Act. Please return the original signed MOA to me in order to complete the DOE-ORO files for this project.

If you have questions of need additional information related to this proposed project, please call me at 865-576-9574.

Sincerely,

A handwritten signature in black ink that reads "Ray T. Moore". The signature is written in a cursive style with a large, stylized "R" and "M".

Ray T. Moore  
DOE-ORO Cultural Resources  
Management Coordinator

Enclosures

**PROJECT SUMMARY, ARCHEOLOGICAL  
HISTORICAL REPORT (AHR), AND  
MEMORANDUM OF AGREEMENT**

**BETWEEN THE DEPARTMENT OF ENERGY  
OAK RIDGE OPERATIONS  
AND  
TENNESSEE STATE HISTORIC  
PRESERVATION OFFICER**

**ED-3 LEASE,  
OAK RIDGE RESERVATION  
ROANE COUNTY, TENNESSEE**

**NATIONAL HISTORIC PRESERVATION ACT  
SECTION 106**

**MAY, 2001**

## PROJECT SUMMARY

### SECTION 106 ARCHAEOLOGICAL AND HISTORICAL REVIEW (AHR) FOR THE LEASE OF LAND PARCEL ED-3 OF THE OAK RIDGE RESERVATION

**PROPOSED ACTION:** The U.S. Department of Energy-Oak Ridge Operations Office (DOE-ORO) proposes to lease approximately 162 ha (400 acres) of land (Parcel ED-3) on the Oak Ridge Reservation (ORR). DOE could lease the land to one of a number of entities including, but not limited to, a community reuse organization, other federal entities, state/local government agencies (e.g., city of Oak Ridge), or the private sector. If leased, the property would be marketed and portions subleased as suitable tenants are identified. Development of Parcel ED-3 would include light industrial and commercial uses. The proposed action would help to offset the economic impact of DOE-ORO and contractor downsizing and to diversify the economic base of the East Tennessee area.

**LOCATION:** The proposed lease action would take place on the ORR in Roane County, Tennessee, within the East Tennessee Technology Park (ETTP) area of responsibility. The general location is along the south side of State Route (SR) 58 from the Clinch River to a point approximately 0.8 km (0.5 mile) west of the intersection of SR 58 and SR 95, and along the East and West sides of Blair Road between Poplar Creek and the intersection of Blair Road and SR 58 (Fig. 1).

**DISCUSSION:** A number of reconnaissance-level surveys have been conducted on the ORR. Previous surveys conducted on the ORR that identified and evaluated cultural resources within and immediately adjacent to Parcel ED-3 include: (1) surveys by Fielder (1974, 1975) and Fielder, Ahler, and Barrington (1977) of specific areas of the ORR focusing on prehistoric and historic sites, respectively; (2) a recent evaluation of previously recorded and inventoried archaeological and pre-World War II structure sites on the ORR (DuVall and Souza 1996); (3) a survey entitled *Architectural/Historical Reconnaissance, K-25 Site, Oak Ridge Reservation, Oak Ridge, Tennessee – Volume 1* [Jacobs Environmental Management Team (March 1998)]; and (4) a survey entitled *Archaeological Reconnaissance, K-25 Site, Oak Ridge Reservation, Oak Ridge, Tennessee* [Jacobs Environmental Management Team (March 1998)].

Within the area identified as Parcel ED-3, the above surveys reveal five contributing pre-World War II sites in the proposed Wheat Historic District (40RE224) (DuVall and Allen 1996), one pre-World War II site outside the district (711A), and the Wheat Community African Burial Ground [former Slave Cemetery (40RE219)] (Fig. 2). A total of 28 sites are in 40RE224, including the George Jones Memorial Baptist Church and associated cemetery, which are on the National Register of Historic Places (NRHP). It should be noted, however, that the church, cemetery, and 22 other sites within 40RE224 are outside Parcel ED-3 boundaries.

The Wheat Community African Burial Ground (40RE219) is located on the south side of SR 58 near the ETTP visitor's center and inside the lease area. Parsly (1985) visited 40RE219 and commented on several small depressions outside the fence, thus implying the existing fence may not adequately bound the site. NRHP eligibility for archaeological site 40RE136 has not been determined; however, further work is recommended by the Jacobs Environmental Management Team if the site can be located. Presently, the site is believed to be outside the boundary of Parcel ED-3. Fielder investigated this site in the former Wheat Community in 1974. It is believed that the site contains remnants of a possible mid-19th-century barn with an associated hand-dug well. The Jacobs Environmental Management Team tried on three different occasions to relocate this site; however, no evidence of a foundation could be found. Two archaeological sites located outside, but adjacent to, the western boundary of Parcel ED-3 are 40RE135 and 40RE138. Even though development is not planned in these areas, these sites are described because of their close proximity to Parcel ED-3. Previous surveys indicate that 40RE135 is not eligible

for listing on the NRHP and recommend no further work. Archeological site 40RE138 is considered eligible for listing on the NRHP, and further testing is recommended before construction is planned in the area. The site is located on the east bank of the Clinch River southeast of Gallaher Bridge near River Mile 14.5. Fielder reported the site in 1975 as part of the Exxon Nuclear Facility Survey. Cultural material representing artifacts from the Paleo-Indian; Early, Middle, and Late Archaic; Early and Late (Hamilton) Woodland; and Mississippian Periods were collected along the beach for about 500 m (1640 ft). Further testing, including a more comprehensive deep-testing procedure, is recommended if future plans require construction in this area. The area is near the abandoned barge loading/unloading facility (K-1251) but outside the boundaries of Parcel ED-3. The Ellis Cemetery (40RE221) is located on the west side of Blair Road. This cemetery is not within Parcel ED-3 and would not be affected by the proposed property lease.

Temporary Manhattan Project housing areas identified as Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing are within the boundaries of Parcel ED-3. These temporary housing areas were built to house construction workers and family members in the timeframe from 1943 to February 1946. The largest area, known as Happy Valley, was located southeast of ETTP along the south side of SR 58. Happy Valley accommodated a population of approximately 15,000. The temporary town included hutments, central washing facilities, a mess hall, barracks, trailers, a school, commercial center, theater, three recreation halls, and other buildings (Gosling 1990, Hewlett and Anderson 1962). The facilities are no longer extant. To date, an archaeological survey has not been conducted in these areas and, therefore, an archaeologist will conduct a survey prior to development.

To preserve the historical significance of the properties in the Wheat Community within the lease area, and also to minimize the effects of development activities on the Slave Cemetery and temporary housing areas, DOE-ORO will ensure that the following stipulations are implemented:

- the perimeter of the Wheat Community African Burial Ground (40RE219) will be surveyed and clearly marked on all plat maps generated in support of the lease agreement, including an additional 100-ft protective perimeter around the cemetery;
- disturbance of the Wheat Community African Burial Ground and associated protective perimeter will be avoided;
- the portion of site 40RE224 within the lease area (including sites 711B, 722A, 725A, 726A, and 728A), and 711A adjacent to 40RE224, will be surveyed by an archeologist; undergo appropriate testing (which may include photographs, shovel testing, material inventory and recordation, and a survey report); and obtain acceptance by the SHPO prior to commencing development in these areas; and
- a walkover survey report by an archaeologist will be provided to the SHPO for concurrence prior to commencing development in the Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing areas.

DOE-ORO shall also require that, should an unanticipated discovery of cultural materials (e.g., human remains, pottery, bottles, weapon projectiles, and tools) or sites be made during tract development activities, all ground-disturbing activities in the vicinity of the discovery must be halted immediately, the DOE-ORO Cultural Resources Management Coordinator must be contacted, and consultation with the Tennessee SHPO must be initiated and completed prior to any further disturbance of the discovery-site area. In addition, Sites 40RE219, 40RE224, 40RE136, and 40RE138 will be periodically inspected by DOE-ORO representatives throughout the term of the lease to ensure site integrity has not been compromised.

The DOE-ORO Cultural Resource Coordinator met with both the President and Secretary of the Wheat Alumni Association on two occasions, a field trip and office visit, to discuss the boundaries of Parcel ED-3. Based on those discussions, the originally proposed boundaries of Parcel ED-3 were revised to minimize impacts on the Wheat Historic District. The Wheat Alumni Association representatives stated that they believe the revised boundaries of Parcel ED-3 will preserve the historical integrity of their community.

**DETERMINATION:** DOE-ORO, pursuant to 36 *Code of Federal Regulations (CFR)* 800.4(c) and in consultation with the Tennessee State Archeologist, has determined that Sites 40RE224 and 40RE138 are eligible for inclusion in the NRHP, that 40RE136 should be investigated further if it can be located, and that all other known sites located within and immediately adjacent to Parcel ED-3 are not eligible for inclusion in the NRHP. Based on the terms to be outlined in the lease agreement and the stipulations contained in the attached Memorandum of Agreement, DOE-ORO has determined that:

- adverse effects to the five properties in the Wheat Historic District, which are included in the Parcel ED-3 lease area, will be minimized;
- development of Parcel ED-3 will not result in adverse effects on the integrity of the Wheat Historic District;
- there will be no adverse effects on the temporary housing areas; and
- there will be no effect on the Wheat Community African Burial Ground.

## REFERENCES

- DuVall, G. D., and Allen IV, D. S. 1996. *An Assessment of Reforestation Disturbance to Historic Archaeological Sites Within the Wheat Community, Oak Ridge Reservation, Oak Ridge, Tennessee*. Prepared for Lockheed Martin Energy Research, Oak Ridge, Tennessee.
- DuVall, G. D., and Souza, P. A. 1996. *An Evaluation of Previously Recorded and Inventoried Archaeological Sites on the Oak Ridge Reservation, Anderson and Roane Counties, Tennessee*, ORNL/M-4946. Prepared for Lockheed Martin Energy Systems, Oak Ridge, Tennessee.
- Fielder, G. F., Jr. 1974. *Archaeological Survey with Emphasis on Prehistoric Sites of the Oak Ridge Reservation, Oak Ridge, Tennessee*. Submitted to the Oak Ridge National Laboratory.
- Fielder, G. F., Jr. 1975. *Cultural Resource Survey of the Exxon Nuclear Facility, Oak Ridge, Tennessee: An Interim Report*. Department of Anthropology, The University of Tennessee, Knoxville. Submitted to Oak Ridge National Laboratory.
- Fielder, G. F., Jr., Ahler, S. R., and Barrington, B. 1977. *Historic Sites Reconnaissance of the Oak Ridge Reservation, Oak Ridge, Tennessee*. Submitted to Oak Ridge National Laboratory.
- Gosling, F. G. 1990. *The Manhattan Project: Science in the Second War*, U.S. Department of Energy, Washington, D.C.
- Hewlett, R. G., and Anderson, O. E. 1962. *The New World, 1939/1946: Volume I, A History of the United States Atomic Energy Commission*, Pennsylvania State University Press, University Park, Pennsylvania.

Jacobs Environmental Management Team 1998. *Archaeological Reconnaissance, K-25 Site, Oak Ridge, Reservation, Oak Ridge, Tennessee*, March.

Jacobs Environmental Management Team 1998. *Architectural/Historical Reconnaissance, K-25 Site, Oak Ridge Reservation, Oak Ridge, Tennessee*, Vol. 1, March.

Parsly, M. P. 1985. *Inscriptions from Old Cemeteries on the Oak Ridge (Manhattan Project) Area, Anderson and Roane Counties, Tennessee, Oak Ridge, Tennessee*.

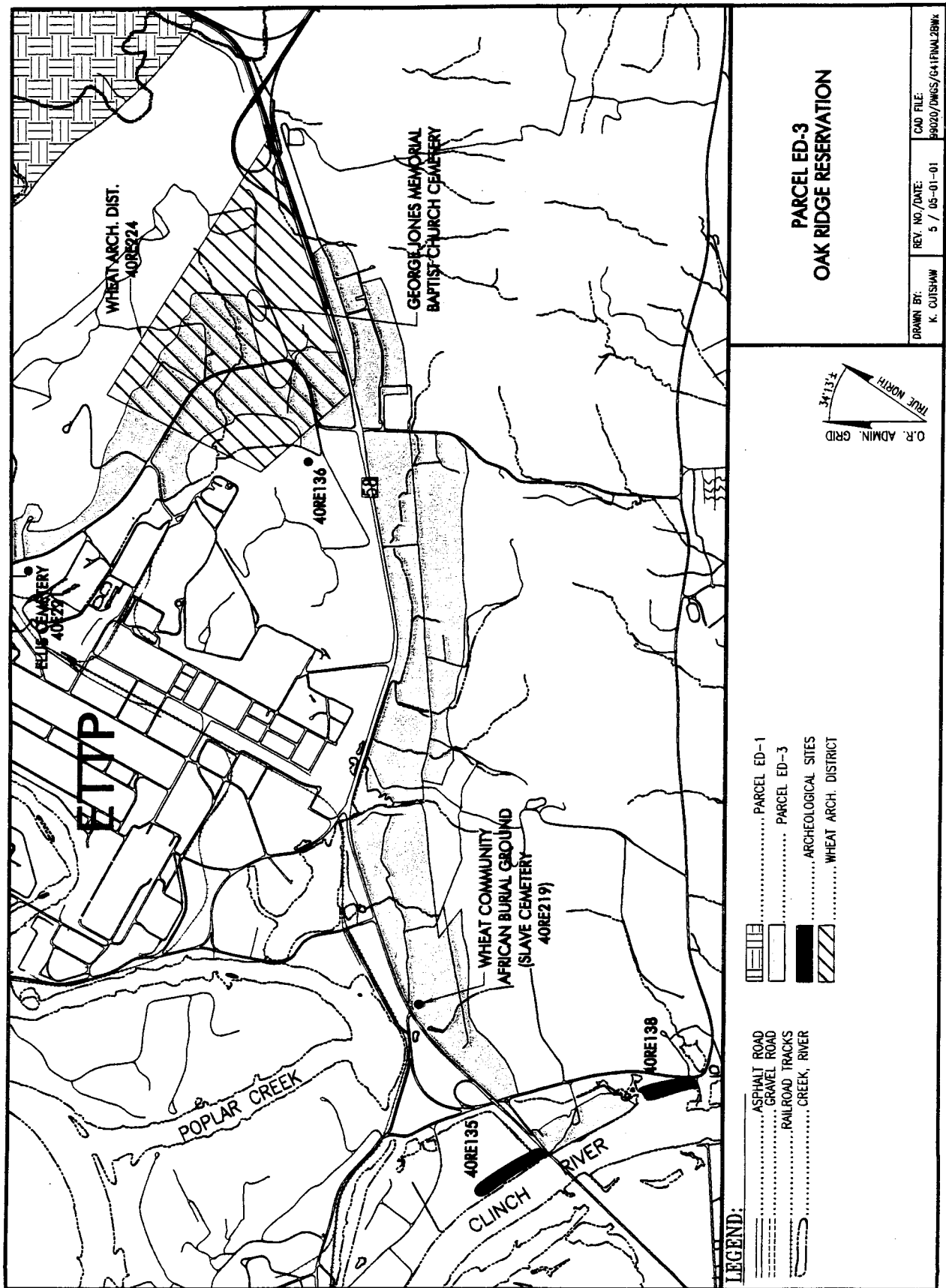


Fig. 1. Cultural resources in the vicinity of Parcel ED-3.



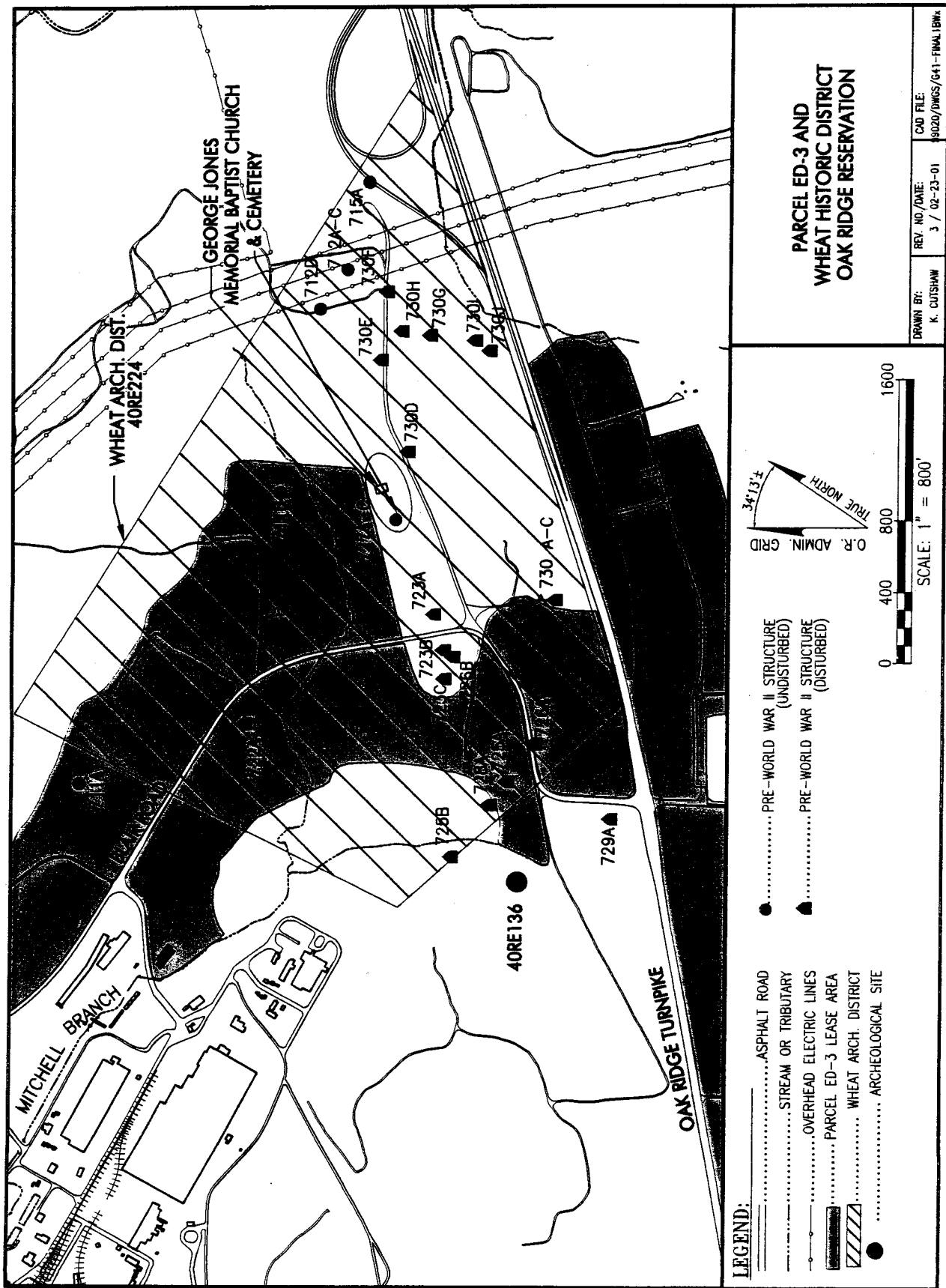


Fig. 2. Parcel ED-3 and Wheat Community Archaeological Sites.

**MEMORANDUM OF AGREEMENT**  
**BETWEEN THE U.S. DEPARTMENT OF ENERGY**  
**OAK RIDGE OPERATIONS OFFICE**  
**AND THE**  
**TENNESSEE STATE HISTORIC PRESERVATION OFFICE**  
**SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**PURSUANT TO 36 CFR 800.6 (b)(1)**  
**REGARDING LEASE OF LAND PARCEL ED-3 OF THE OAK RIDGE RESERVATION**

**WHEREAS** the U.S. Department of Energy-Oak Ridge Operations Office (DOE-ORO) proposes to lease approximately 162 ha (400 acres) of land, known as Parcel ED-3, on the Oak Ridge Reservation (ORR);

**WHEREAS** the lease of Parcel ED-3, the subject of this Memorandum of Agreement (MOA), is described and discussed in the attached document entitled *Project Summary, Section 106 Archeological and Historical Review (AHR) for the Lease of Land Parcel ED-3 of the Oak Ridge Reservation*;

**WHEREAS** DOE-ORO has established the area of potential effect of the undertaking, as defined at 36 CFR 800.16(d), to be five contributing pre-World War II structure sites in the proposed Wheat Historic District (40RE224), one pre-World War II site outside the district (711A), the Wheat Community African Burial Ground [former Slave Cemetery (40RE219)], and temporary Manhattan Project housing areas known as Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing;

**WHEREAS** DOE-ORO has determined that the lease of Parcel ED-3 would have an adverse effect on the five contributing properties located in the Wheat Historic District lease area and Site 711A;

**WHEREAS** DOE-ORO has determined that lease of Parcel ED-3 may have an effect on the Wheat Community African Burial Ground (40RE219) and temporary Manhattan Project housing areas known as Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing;

**WHEREAS** DOE-ORO, pursuant to 36 CFR 800.4(c) and in consultation with the State Historic Preservation Officer (SHPO), has determined that the remains of five sites in the Wheat Historic District and Site 711A adjacent to the district require further investigation prior to development; that the Wheat Community African Burial Ground (40RE219) requires protection by establishing a 100-ft border around the present perimeter; and that the results of a walkover survey by an archaeologist to determine historical significance shall be provided to the SHPO for concurrence prior to commencing development in the Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing areas;

**WHEREAS** DOE-ORO has consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations (36 CFR Part 800) to resolve any adverse effects of leasing Parcel ED-3;

**WHEREAS** DOE-ORO intends to use the provision of this MOA to address applicable requirements of Section 110(b) of NHPA, 16 U.S.C § 470h-2(b);

**WHEREAS** DOE-ORO intends to use the provision of this MOA to address applicable provisions of 36 CFR 800.6(b)(1)(iv); and

**NOW, THEREFORE,** DOE-ORO and the SHPO agree, upon acceptance of this MOA by both parties and upon the decision of DOE-ORO to proceed with the lease of Parcel ED-3, DOE-ORO shall ensure the following stipulations are implemented to take into account the effects of the undertaking on historic properties.

#### Stipulations

DOE-ORO shall ensure that the following stipulations are implemented:

1. the perimeter of the Wheat Community African Burial Ground (40RE219) will be surveyed and clearly marked on all plat maps generated in support of the lease agreement, including an additional 100-ft protective perimeter around the cemetery;
2. disturbance of the Wheat Community African Burial Ground and associated protective perimeter will be avoided;
3. the portion of site 40RE224 within the lease area (including sites 711B, 722A, 725A, 726A, and 728A) and 711A adjacent to 40RE224 will be surveyed by an archeologist, undergo appropriate testing (which may include photographs, shovel testing, material inventory and recordation, and a survey report), and obtain acceptance by the SHPO prior to commencing development in these areas; and
4. a walkover survey report by an archaeologist will be provided to the SHPO for concurrence prior to commencing development in the Fercleve Housing, Happy Valley West Housing, Happy Valley Housing, and Ford, Bacon, and Davis Housing areas.

#### **Resolving Objections**

- a. Prior to the lease of Parcel ED-3, should the SHPO object to activities relative to this project and pursuant to this MOA, DOE-ORO shall consult with the objecting party to resolve the objection. All actions under this MOA that are not the subjects of the objections shall remain unchanged.
- b. If DOE-ORO determines that the objection cannot be resolved, DOE-ORO shall forward all documentation relevant to the dispute to the Council and invite the Council to join the consultation. Within 30 days of receipt of this documentation, the Council will either
  - i. Provide DOE-ORO with recommendations which DOE-ORO will take into account when reaching a final decision regarding the dispute; or
  - ii. Notify DOE that it will join the consultation pursuant to 36 *CFR* 800.6 (b)(2); or
  - iii. Notify DOE-ORO and proceed to comment in accordance with 36 *CFR* 800.7(c).
- c. Should the Council not exercise one of the above options within 30 days after receipt of all pertinent documentation, DOE-ORO may assume the Council concurs in its proposed response to the objection.

## Administrative Stipulations

- a. **Definition of Parties.** For the purpose of this MOA, the term "parties to this MOA" means DOE-ORO and the SHPO, each of which has authority under 36 *CFR* 800.7 to terminate the consultation process.
- b. **Alterations to Project Documents.** DOE-ORO shall not alter any plan, scope of services, or other document that has been reviewed and commented on pursuant to this MOA, except to finalize documents commented on in draft, without first affording the SHPO and the Council the opportunity to review the proposed change and determine whether it shall require that this MOA be amended. If one of the above parties determines that an amendment is needed, the parties of this MOA shall consult in accordance with 36 *CFR* 800.6(c)(7) to consider such an amendment.
- c. **Amendments.** Either party to this MOA may propose that the MOA be amended, whereupon both parties will consult to consider such an amendment. 36 *CFR* 800.6(b) shall govern the execution of any such amendment.
- d. **Termination.**
  - i. If DOE-ORO determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, DOE-ORO, or the SHPO, may propose to the other party to this MOA that it be terminated.
  - ii. The party proposing to terminate this MOA shall explain, in writing, the reasons for termination and afford the other party at least 30 days to consult and seek alternatives to termination.

Should such consultation fail and the MOA be terminated, DOE-ORO shall either consult, in accordance with 36 *CFR* 800.6(a), to develop a new MOA or request the comments of the Council pursuant to 36 *CFR* 800.6(b) and/or 36 *CFR* 800.7.

Execution of this MOA by DOE-ORO and the SHPO shall be considered to be an agreement with the Council for the purposes of Section 110(1) of the NHPA for the lease of Parcel ED-3, and that DOE-ORO has taken into account the effects of this undertaking on these historic properties.

DEPARTMENT OF ENERGY/OAK RIDGE OPERATIONS OFFICE

By:   
R. J. Brown, Assistant Manager, Assets Utilization

Date: 6/8/01

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: \_\_\_\_\_

Date: \_\_\_\_\_

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